

JAVA Resolution 04-0916-04



WHEREAS, the Joint Antelope Valley Authority (JAVA), a joint administrative entity created under the Nebraska Interlocal Cooperation Act (Neb. Rev. Stat. § 13-801 et. seq.) by agreement of April 15, 2000 as amended (JAVA Interlocal Agreement) between the Board of Regents of the University of Nebraska, a public body corporate and governing body of the University of Nebraska (University), the City of Lincoln, Nebraska, a municipal corporation (City), and the Lower Platte South Natural Resources District, a political Subdivision of the State of Nebraska (LPSNRD) is now implementing under the JAVA Interlocal Agreement the Phase One Priority Projects of Antelope Valley Amended Draft Single Package; and

WHEREAS, JAVA has previously approved by-laws, administrative resolution, policies and guidelines for the implementation of the Phase One Priority Projects.

NOW THEREFORE, be it resolved by the Administrative Board of the Joint Antelope Valley Authority as follows:

1. The Chairperson is hereby authorized to execute and approve construction contracts as approved by the Project Manager, Legal Counsel and Purchasing Agent in connection with Antelope Valley Big "T" Roadway and Bridges Federal aid Project CM 55(144), Control No. 11215e, including the Construction Agreement with Hawkins Construction Company, 2516 Deer Park Blvd., Omaha NE, for JAVA Specification no. 04-227 in accordance with the Administrative Board's by-laws and to administer the same including executing the necessary forms, approvals and documents contemplated therein and specifically including written amendments to the same; provided that the board shall receive timely reports of all amendments on an ongoing basis (regardless of the amount) showing the net change for each and a cumulative total of all changes as compared to the original contract amount. In addition, to the extent specifications and contracts were advertised, bid and let or contracts (and amendments thereto) were executed or awarded prior to the effective date of this Resolution, the same are hereby expressly ratified and approved by the board on behalf of the Authority.
2. Accordingly, the expenditure and allocating of JAVA funds for such purposes is hereby authorized and the requirements of the by-laws of the Board are hereby incorporated into this approval and the JAVA board does hereby grant final approval of the contracts as in conformance with all applicable requirements of the board.
3. The Chairperson is authorized to sign and execute the same on behalf of the Authority. In addition, the Chairperson is authorized to approve minor, typographical, or technical changes to conform to the originals as approved by the other Parties to the Agreement. In the event a contract agreement cannot be finalized with the successful bidder, it is the intent of the Administrative Board to re-bid Specification no. 04-227 since no other bid was below engineer's estimate for the project.

4. The Chairperson is authorized to sign, execute, accept or assign real estate easements, documents or transfers as provided in the Agreement on behalf of the Authority.
5. There is hereby appropriated cash balances and lawfully available appropriations including all money now credited or which will be credited to the Antelope Valley – Phase 1 Construction Fund specifically for the Big "T" roadway and Bridges Federal aid Project CM 55(144), Control No. 11215e, for payment as needed to implement the land acquisition, contracting and project expenses for the JAVA responsibilities in the Agreement. Accordingly, the JAVA treasurer is hereby authorized to accept the transfer of funds from the related City CIP project/s (reference 780106) and other sources as appropriated to the associated JAVA project (reference 880106).
6. The same shall be kept on file with the official records of the Authority as provided in the by-laws.

Dated this 16th Day of September, 2004.

Introduced by: _____

Approved by Unanimous Vote of _____, _____, and _____ after public hearing on this 16th Day of September 2004.

Signed:

Joint Antelope Valley Authority

Secretary

Glenn Johnson, Chairperson

Approved as to form and Legality

Legal Counsel